

DATE

Lori Whatley
583 Palmer Road
Mansfield, Louisiana 71052

Re: **Louisiana Board of Ethics**
Docket No. 2021-773

Dear Ms. Whatley,

The Louisiana Board of Ethics, at its meeting on December 3, 2021, considered your request for an advisory opinion as to whether the Code of Governmental Ethics ("Code") would prohibit your husband from being hired as Superintendent for the Maintenance Unit with the Department of Transportation and Development.

FACTS PROVIDED

You have been employed as an Administrative Coordinator by the Department of Transportation and Development ("DOTD") Maintenance Unit for eighteen years. Your husband, William Whatley, is currently employed as an Engineering Technician for the Construction Unit of DOTD. Your husband intends to apply for the Superintendent position over the DOTD Maintenance Unit for your area.

LAW

La. R.S. 42:1119A provides that no member of the immediate family of an agency head shall be employed in his agency. However, La. R.S. 42:1119C(2) provides an exception if the public servant has been continuously employed by the agency for more than one year prior to the public servant's immediate family member becoming an agency head.

La. R.S. 42:1112B(1) prohibits a public servant from participating in any transaction in which his immediate family member has a substantial economic interest. La. R.S. 42:1112C requires that the public servant submit a disqualification plan to the Board to prevent a possible violation.

ANALYSIS

Since you have been employed continuously with the DOTD Maintenance Unit for more than one year, you would not be prohibited from continuing your employment with DOTD in the event your husband becomes Superintendent over the DOTD Maintenance Unit. A disqualification plan should be submitted to prevent a potential violation of 1112B(1) on the part of your husband.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code would not prohibit your continued employment with DOTD in the event your husband is hired as the Superintendent over the Maintenance Unit. Your husband will need to submit a disqualification plan in the event he is hired as Superintendent.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.